


FILED**UNITED STATES DISTRICT COURT**

MAY 26 2016

for

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY WESTERN DISTRICT OF TEXAS**Petition for Warrant or Summons for Offender Under Supervision**

Name of Offender: Christina Guevara Cardenas Case Number: SA-13-CR-498(1)-OLG

Name of Sentencing Judicial Officer: Honorable Hayden Head, Senior United States District Judge

Date of Original Sentence: May 7, 2009

Original Offense: Conspiracy to Engage in Money Laundering, in violation of 18 U.S.C. § 1956(a)(1)(A)(i) and (h)

Original Sentence: Eighty-seven (87) months imprisonment, three (3) years supervised release; and \$100 special assessment

Type of Supervision: Supervised Release Date Supervision Commenced: November 20, 2015

Assistant U.S. Attorney: Thomas P. Moore Defense Attorney: Alex J. Scharff

PREVIOUS COURT ACTION

On May 10, 2012, the Sentencing Court approved Order On Government's Motion to Reduce Sentence; amended sentence to fifty-one (51) months imprisonment.

On June 14, 2013, Transfer of Jurisdiction to the Western District of Texas. Case assigned to the Honorable Orlando L. Garcia.

On June 26, 2013, A Request for Modifying the Conditions of Supervision was signed by the Court modifying the conditions to include mental health treatment.

On October 9, 2015, the Court was notified, by Petition for Warrant or Summons for Offender Under Supervision, of illicit drug use by the offender, failure to participate in treatment, and failure to report to the probation officer. A warrant was issued for the offender's arrest. On November 20, 2015, the offender's supervised release was revoked to Time Served, and the offender was resentenced to one (1) year supervised release and ordered to participate in a mental health program for co-occurring disorders.

PETITIONING THE COURT

- ☒ To issue a warrant
☐ To issue a summons

The probation officer believes that the offender has violated the following condition(s) of supervision:

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Violation Number

Nature of Noncompliance

1. **The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.**

On January 7, 2016, the offender tested positive for Amphetamine, Methamphetamine, Codeine, and Morphine, as confirmed by Alere Laboratories on March 22, 2016.

On January 20, 2016, the offender tested positive for Amphetamines and Opiates. The offender verbally denied any illicit drug use.

On March 8, 2016, the offender tested positive for cocaine. The test was confirmed positive by Alere Laboratories on March 22, 2016.

2. **The defendant shall submit to an evaluation for mental health counseling as directed by the Probation Officer, and if deemed necessary by the Probation Officer, the defendant shall participate in a mental health program approved by the Probation Officer. The defendant may be required to contribute to the cost of services rendered (copayment) in an amount to be determined by the Probation Officer, based upon the defendant's ability to pay.**

On January 22, 2016, the offender was terminated unsuccessfully from co-occurring mental health treatment, with the Center For Health Care Services. The offender failed to attend treatment in December 2016 and January 2017.

The offender failed to submit urine specimens on the following dates: January 5, March 22, April 11, April 28, and May 13, 2016.

3. **The defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer.**

On January 6 and 7, 2016, the offender failed to report for an intake appointment at the Center For Health Care Services, as instructed. An intake appointment was originally scheduled for December 29, 2015; however, the offender cancelled the appointment due to being ill. The appointment was rescheduled for January 6, 2016; however, the offender reported to the appointment forty-five minutes late and was instructed to return on January 7, 2016. Again, the offender failed to report for the scheduled appointment.

On January 7, 2016, the offender failed to report to the probation officer, as instructed.

On January 19, 2016, the offender failed to present proof of prescribed Morphine, as instructed.

On February 25, 2016, the offender failed to report to the probation officer, as instructed.

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U.S. Probation Officer Recommendation: The offender has a criminal history category of I. According to the Presentence Report, the offender reported alcohol abuse, but stated she had no history of mental or emotional health related problems and no drug related problems; however, while being supervised, evidence of mental health problems and drug use surfaced. The offender has a history of alcohol, adderall, methamphetamine, cocaine, and heroin use and has been diagnosed with depression.

The offender's supervised release was previously revoked due to drug use, lack of participation in treatment, and failure to report to the probation office. During the current term of supervision, the offender was referred to the co-occurring treatment program; however, she failed to attend and was terminated unsuccessfully. An administrative hearing was held with the offender and it was decided to allow her to attend treatment at a location closer to her residence. Soon thereafter, it was determined the offender continued to disregard the recommendations of the probation office by not keeping her initial appointment to see her psychiatrist.

The offender continues to use illicit drugs, fails to follow the instructions of the probation office, refuses to engage in treatment, and fails to submit to drug testing as directed by the Probation Officer; therefore, it is recommended that a warrant be issued for the offender's arrest.

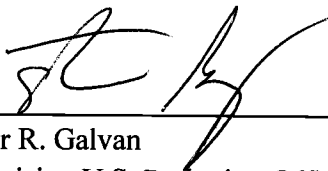
☒ The term of supervision should be

☒ revoked. (Maximum penalty: 2 years imprisonment; 3 years supervised release; and payment of any unsatisfied monetary sanction previously imposed)

☐ extended for years, for a total term of years.

☐ The conditions of supervision should be modified as follows:

Approved:

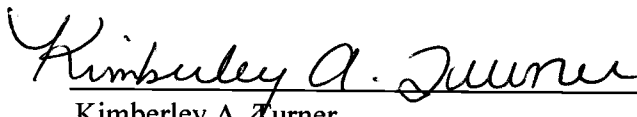


For Arthur R. Galvan
Supervising U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5315

cc: Thomas P. Moore
Assistant U.S. Attorney

Marc S. Martinez
Assistant Deputy Chief U.S. Probation Officer

Respectfully submitted,



Kimberley A. Turner
U.S. Probation Officer
Telephone: (210) 472-6590, Ext. 5351
Date: May 25, 2016

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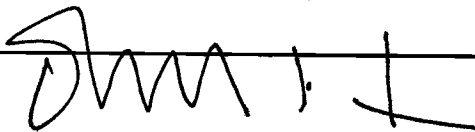
THE COURT ORDERS:

☐ No action.

☒ The issuance of a warrant.

☐ The issuance of a summons.

☐ Other _____



Honorable Orlando L. Garcia
Chief U.S. District Judge

5.26.16

Date